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**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA DIVISION**

RONALD P. MELVIN

Plaintiff,

vs.

JUSTIN KALMBACH, ET AL

Defendants.

Case No. CV-23-140-M-DLC-kld

**AMENDED
MOTION TO STRIKE**

Justin Kalmbach, in propria persona, moves to strike the Plaintiff's Complaint.

Plaintiff Ronald Melvin has filed a Complaint alleging the Defendants colluded against the Plaintiff in order to deny him his right to defend himself. Defendant Kalmbach was the Plaintiff's court appointed attorney. Defendant Lapotka is the County Attorney for Lake County, Montana.

The Plaintiff submitted his pleadings unsigned. Complaint, 14 (November 17, 2023) Docket No. 1.

Applicable Law

“Every pleading, written motion, and other paper must be signed...by a party personally if the party is unrepresented. The paper must state the signer’s address, e-mail address, and telephone number...The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.” F. R. Civ. P. 11(a) (in relevant part).

“The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading.” F. R. Civ. P. 12(f) (in relevant part).

Argument

The Rules of Civil Procedure require a party to sign their pleadings. The signature is important as it indicates to the Court and the parties that to the best of the Plaintiff’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the pleading is not being presented for any improper purpose, such as to harass; the claims and other legal contentions are warranted by existing law; and the factual contentions have evidentiary support or, if specifically so identified, will likely have

evidentiary support after a reasonable opportunity for further investigation or discovery. F. R. Civ. P. 11(b)(1-3).

Defendant Kalmbach believes that this litigation is wholly frivolous and desires that the Court require the Plaintiff to sign his pleadings. By doing so, he will be subject to the representations required by Rule 11. Likewise, he will be on notice that he is subject to sanctions allowed by F. R. Civ. P. 11(c).

Defendant Kalmbach respectfully requests that the Court strike the Plaintiff's Complaint as it is unsigned and does not comply with the Federal Rules of Civil Procedure.

Conclusion

The Court should strike the Complaint and hold any future proceeding in abeyance until the Plaintiff submits a signed Complaint.

Dated this 27th day of November, 2023.

/S/ Justin Kalmbach

Justin Kalmbach
Pro Se

Certificate of Service

I HEREBY CERTIFY that on the 27th day of November, 2023, a true and correct copy of the foregoing document was served on the following individual(s) as indicated below:

Mr. Ronald Melvin 4201 South Ave W. Polson, MT 59860	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Federal Express <input type="checkbox"/> Facsimile <input type="checkbox"/> Courthouse inbox
Mr. James Lapotka Lake County Attorney 106 4 th Ave. E. Polson, MT 59860	<input checked="" type="checkbox"/> U.S. Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Federal Express <input type="checkbox"/> Facsimile <input type="checkbox"/> Courthouse inbox

/s/ Justin Kalmbach

Kalmbach Law Office, PLLC